IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Crl.MC.No. 3105 of 2007()

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CC.437/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR
[CRIME NO.13/07 OF MATHILAKAM POLICE STATION]

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PETITIONER: 2ND ACCUSED

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AJITHA, W/O. MOHANAN,
PATHISSERY HOUSE, KOOLIMUTTOM, KODUNGALLUR,
THRISSUR DISTRICT.

BY ADV. SRI.T.M.CHANDRAN
SRI.S.SUJITH
SRI.V.A.SASIDHARAN
SRI.JOSEPH ALBIN NEDUNTHALLY

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
MATHILAKAM POLICE STATION, MATHILAKAM,
THRISSUR DISTRICT.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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Crl.M.C.No.3105 of 2007

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Dated this the 11th day of October 2007

**O R D E R**

After elaborate discussions at the Bar, the learned counsel for the petitioner only prays that this Criminal Miscellaneous Case may be dismissed as withdrawn without prejudice to the right of the petitioner to claim discharge under Section 239 Cr.P.C before the learned Magistrate.

2. Request accepted. This Criminal Miscellaneous Case is dismissed as withdrawn.

3. The learned counsel for the petitioner submits that if personal appearance of the petitioner were ritualistically insisted on all dates of posting, that will cause the petitioner very great hardship and difficulties. I can see no reason why any court must insist on personal presence of the petitioner on all dates of posting. The petitioner, after seeking bail, can appear through counsel. Her personal appearance need be insisted by the learned Magistrate only if further progress of the case demands such personal appearance. Till then, the petitioner can claim to be represented by a lawyer.

**(R.BASANT, JUDGE)**

jsr

// True Copy// PA to Judge

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007